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ABSTRACT

Addressing the California legislative provisions dealing with community college districts' support services or instruction offered through Disabled Student Programs and Services (DSPS), this report presents the specific amendments, additions, and repeals to Sections 56000 through 56076 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the California Code of Regulations. Changes to the following areas are included: (1) the "Scope of the Chapter" of the legislation; (2) the definition of "Student with a Disability"; (3) the definition of "Educational Limitation"; (4) the definition of "Support Services or Instruction"; (5) "Determination of Eligibility"; (6) "Student Rights"; (7) "Student Responsibilities"; (8) "Availability of Services"; (9) "Student Educational Contract"; (10) "Support Services"; (11) "Academic Accommodations"; (12) "Special Class Instruction"; (13) "Special Class Course Repeatability"; (14) "Reporting Requirements"; (15) "Physical Disability"; (16) "Communication Disability"; (17) "Learning Disability"; (18) "Acquired Brain Impairment"; (19) "Developmentally Delayed Learner"; (20) "Psychological Disability"; (21) "Other Disabilities"; (22) "DSPS Program Plan"; (23) "Staffing"; (24) "Advisory Committee"; (25) "Evaluation"; (26) "Special Projects"; (27) "Basis of Funding"; (28) "Provision of Support Services or Instruction"; (29) "Direct Excess Costs"; (30) "Comparable Services"; (31) "Indirect Administrative Costs"; (32) "Revenue from Special Classes"; (33) "Allocations, Reports, Audits, Adjustments"; (34) "Accounting for Funds"; and (35) "Other Resources." (PAA)

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Revisions to Disabled Student Programs and Services (DSPS) Regulations

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ATTACHMENT E

Revisions to DSPS Regulations

Article 1. General Provisions and Definitions

1. Section 56000 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is amended to read:

56000. Scope of Chapter.

This subchapter applies to community college districts offering support services, or instruction through Disabled Student Programs and Services (DSPS), on and/or off campus, to students with disabilities pursuant to Education Code Sections 67310-12 and 84850.

Programs receiving funds allocated pursuant to Education Code Section 84850 shall meet the requirements of this subchapter. Any support services or instruction funded, in whole or in part, under the authority of this subchapter must:

(a) not duplicate services or instruction which are otherwise available to all students;

(b) be directly related to the educational limitations of the verified disabilities of the students to be served;

(c) be directly related to the students' participation in the educational process;

(d) promote the maximum independence and integration of students with disabilities; and

(e) support participation of students with disabilities in educational activities consistent with the mission of the community colleges as set forth in Education Code Section 66701.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 66701, 67310-12, and 84850, Education Code.

2. Section 56002 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is repealed.

3. Section 56002 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56002. Student with a Disability.

A "student with a disability" or "disabled student" is a person enrolled at a community college who has a verified impairment which limits one or more major life activities, as defined in 28 C.F.R. 35.104, and which imposes an educational limitation as defined in Section 56004. For purposes of reporting to the Chancellor under Section 56030, students with disabilities shall be reported in the categories described in Sections 56032-44.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

4. Section 56004 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is repealed.

5. Section 56006 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is repealed.

6. Section 56004 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56004. Educational Limitation.

As used in this subchapter, "educational limitation" means disability related functional limitation in the educational setting. This occurs when the limitation prevents the student from fully benefiting from classes, activities, or services offered by the college to nondisabled students, without specific additional support services or instruction as defined in Section 56005.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

7. Section 56008 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is repealed.

8. Section 56005 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56005. Support Services or Instruction.

As used in this subchapter, "support services or instruction" means any one or more of the services listed in Section 56026, special class instruction authorized under Section 56028, or both.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

9. Section 56006 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56006. Determination of Eligibility.

(a) In order to be eligible for support services or instruction authorized under this subchapter, a student with a disability must have an impairment which is verified pursuant to subdivision (b) which results in an educational limitation identified pursuant to subdivision (c) of this section.

(b) The existence of an impairment may be verified, using procedures prescribed by the Chancellor, by one of the following means:

(1) observation by DSPS professional staff with review by the DSPS coordinator;

(2) assessment by appropriate DSPS professional staff; or

(3) review of documentation provided by appropriate agencies or certified or licensed professionals outside of DSPS.

(c) The student's educational limitations must be identified by appropriate DSPS professional staff and described in the Student Educational Contract (SEC) required pursuant to Section 56022. Eligibility for each service provided must be directly related to an educational limitation consistent with Section 56000(b) and Section 56004.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

10. Section 56010 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is repealed.

11. Section 56012 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is repealed.

12. Section 56014 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is repealed.

13. Section 56016 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is repealed.

14. Section 56018 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is repealed.

15. Section 56020 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is repealed.

16. Section 56008 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56008. Student Rights.

(a) Participation by students with disabilities in Disabled Student Programs and Services shall be entirely voluntary.

(b) Receiving support services or instruction authorized under this subchapter shall not preclude a student from also participating in any other course, program or activity offered by the college.

(c) All records maintained by DSPS personnel pertaining to students with disabilities shall be protected from disclosure and shall be subject to all other requirements for handling of student records as provided in Subchapter 2 (commencing with Section 54600) of Chapter 5 of this Division.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

17. Section 56010 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56010. Student Responsibilities.

(a) Students receiving support services or instruction under this subchapter shall:

(1) comply with the student code of conduct adopted by the college and all other applicable statutes and regulations related to student conduct;

(2) be responsible in their use of DSPS services and adhere to written service provision policies adopted by DSPS; and

(3) make measurable progress toward the goals established in the student's Student Educational Contract or, when the student is enrolled in a

regular college course, meet academic standards established by the college pursuant to Subchapter 8 (commencing with Section 55750) of Chapter 6 of this Division.

(b) A district may adopt a written policy providing for the suspension or termination of DSPS services where a student fails to comply with subdivisions (a)(2) or (a)(3) of this section. Such policies shall provide for written notice to the student prior to the suspension or termination and shall afford the student an opportunity to appeal the decision. Each student shall be given a copy of this policy upon first applying for services from DSPS.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

18. A new article heading is added to read as follows:

Article 2. DSPS Services

19. Section 56020 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56020. Availability of Services.

Each community college district receiving funds pursuant to this subchapter shall employ reasonable means to inform all students and staff about the support services or instruction available through the DSPS program.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

20. Section 56022 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is amended to read:

56022. Student Educational Contract.

A Student Educational Contract (SEC) is a plan to address specific needs of the student. An SEC must be established upon initiation of DSPS services and shall be reviewed and updated annually for every student with a disability participating in DSPS. The SEC specifieds those regular and/or special classes and support services identified and agreed upon by both the student and DSPS professional staff as necessary to meet the student's specific educational needs. The SEC shall be reviewed annually by a DSPS professional staff person to determine whether the student has made progress toward his/her stated goal(s).

Whenever possible the SEC shall serve as the Student Educational Plan (SEP) and shall meet the requirements set forth in Section 55525 of this division. In addition, for students in noncredit special classes, each SEC shall

include, but need not be limited to a description of the criteria used to evaluate the student's progress.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

21. Section 56024 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is repealed.

22. Section 56026 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is amended to read:

56026. Support Services.

Support services are those specialized services available to students with disabilities as defined in Section 56002, which are in addition to the regular services provided to all students. Such services enable students to participate in regular activities, programs, and classes offered by the college. They may include, but need not be limited to:

(a) Basic fixed cost administrative services associated with the ongoing administration and operation of the DSPS program. These services include:

(1) Access to and arrangements for adaptive educational equipment, materials, and supplies required by students; with disabilities;

(2) Job placement and development services related to transition to employment;

(3) Liaison with campus and/or community agencies, including referral to campus or community agencies and follow-up services;

(4) Registration assistance relating to on- or off-campus college registration, including priority enrollment assistance, application for financial aid, and related college services;

(5) Special parking, including on-campus parking registration or, while an application for the State handicapped placard or license plate is pending, provision of a temporary parking permit.

(6) Supplemental specialized orientation to acquaint students with environmental aspects of the college and community;.

(b) Continuing variable cost services which fluctuate with changes in the number of students or the unit load of the students. These services include, but are not limited to:

(1) test-taking facilitation, including arrangement, proctoring, and modification of test and test administration for students; with disabilities;

(2) assessment, including both individual and group assessment not otherwise provided by the college, to determine functional educational and vocational levels or to verify specific disabilities;

(3) counseling, including specialized academic, vocational, personal, and peer counseling services specifically for students; with disabilities, not duplicated by ongoing general counseling services available to all students;

(4) interpreter services, including manual and oral interpreting for hearing-impaired students;

(5) mobility assistance (on-campus), including manual or motorized transportation to and from college courses and related educational activities;

(6) notetaker services, to provide assistance to students with disabilities in the classroom;

(7) reader services, including the coordination and provision of services for students with disabilities in the instructional setting;

(8) Sspeech services provided by a licensed speech/language pathologist for students with verified speech disabilities;

(9) transcription services, including, but not limited to, the provision of braille and print; materials;

(10) transportation assistance (off-campus), only if not otherwise provided by the college to all students, where public accessible transportation is unavailable or is deemed inadequate by the Chancellor's Office;

(11) specialized tutoring services not otherwise provided by the college;

(12) outreach activities designed to recruit potential students with disabilities to the college;

(13) accommodations for participation in co-curricular activities directly related to the student's enrollment in state-funded educational courses or programs; and

(14) repair of adaptive equipment donated to the DSPS program or purchased with funds provided under this subchapter.

(c) One-time variable costs for purchase of DSPS equipment, such as adapted educational equipment, materials, supplies, and transportation vehicles.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

23. Section 56027 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56027. Academic Accommodations.

Each community college district receiving funding pursuant to this subchapter shall, consistent with Section 53203 of this division, establish a policy and procedure for responding, in a timely manner, to accommodation requests involving academic adjustments. This procedure shall provide for an individualized review of each request. The procedure shall also permit the Section 504 Coordinator, or other designated district official with knowledge of accommodation requirements, to make an interim decision pending a final resolution.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

24. Section 56028 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is amended to read:

56028. Special Classe Instruction.

Special classes are instructional activities offered consistent with the provisions of Section 56000 and designed to address the educational limitations of students with disabilities who are admitted to the institution pursuant to Education Code Sections 76000 et seq. and who would be unable to substantially benefit from regular college classes even with appropriate support services or accommodations. Such classes generate revenue based on the number of full-time equivalent students (FTES) enrolled in the classes.

Such classes shall be open to enrollment of students who do not have disabilities; however, to qualify as a special class, a majority of those enrolled in the class must be students with disabilities.

Special classes offered for credit or noncredit shall meet the applicable requirements for degree credit, non-degree credit, or noncredit set forth in Sections 55002 and 55805.5 of this part. In addition, special classes shall:

(a) Be designed to enable students with disabilities to compensate for educational limitations and/or acquire the skills necessary to complete their educational objectives;

(b) Employ instructors who meet minimum qualifications set forth in Section 53414 of this division.

(c) Utilize curriculum, instructional methods, or materials specifically designed to address the educational limitations of students with disabilities. Curriculum committees responsible for reviewing and/or recommending special class offerings shall have or obtain the expertise appropriate for determining whether the requirements of this section are satisfied; and

(d) Utilize student/instructor ratios determined to be appropriate by the district given the educational limitations of the students with disabilities enrolled in each class. Class size should not be so large as to impede measurable progress or to endanger the well-being and safety of students or staff.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

25. Section 56029 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56029. Special Class Course Repeatability.

Repetition of special classes is subject to the provisions of Sections 55761-63 and 58161 of this division. However, districts are authorized to permit addi-

tional repetitions of special classes to provide an accommodation to a student's educational limitations pursuant to state and federal nondiscrimination laws. Districts shall develop policies and procedures providing for repetition under the following circumstances:

(a) When continuing success of the student in other general and/or special classes is dependent on additional repetitions of a specific class;

(b) When additional repetitions of a specific special class are essential to completing a student's preparation for enrollment into other regular or special classes; or

(c) When the student has a student educational contract which involves a goal other than completion of the special class in question and repetition of the course will further the achievement of that goal.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code; 29 U.S.C. Sec. 794.

26. Article 2 (commencing with Section 56030) of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is repealed.

27. The heading of Article 3 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is amended to read:

Article 3. Reports, Plans, and Program Requirements

28. Section 56030 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56030. Reporting Requirements.

Each community college district receiving funding pursuant to this subchapter shall submit such reports (including budget and fiscal reports described in Article 4) as the Chancellor may require. When submitting such reports, districts shall use the disability categories set forth in Sections 56032-44 and shall conform to the reporting format, procedures, and deadlines the Chancellor may additionally prescribe.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

29. Section 56032 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56032. Physical Disability.

Physical disability means a visual, mobility, or orthopedic impairment.

(a) Visual impairment means total or partial loss of sight.

(b) Mobility or orthopedic impairment means a serious limitation in locomotion or motor function.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

30. Section 56034 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56034. Communication Disability.

Communication disability is defined as an impairment in the processes of speech, language, or hearing.

(a) Hearing impairment means a total or partial loss of hearing function which impedes the communication process essential to language, educational, social, and/or cultural interactions.

(b) Speech and language impairments mean one or more speech/language disorders of voice, articulation, rhythm, and/or the receptive and expressive processes of language.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

31. Section 56036 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56036. Learning Disability.

Learning disability is defined as a persistent condition of presumed neurological dysfunction which may exist with other disabling conditions. This dysfunction continues despite instruction in standard classroom situations. To be categorized as learning disabled, a student must exhibit:

(a) Average to above-average intellectual ability;

(b) Severe processing deficit(s);

(c) Severe aptitude-achievement discrepancy(ies); and

(d) Measured achievement in an instructional or employment setting.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

32. Section 56038 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56038. Acquired Brain Impairment.

Acquired brain impairment means a verified deficit in brain functioning which results in a total or partial loss of cognitive, communicative, motor, psycho-social, and/or sensory-perceptual abilities.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

33. Section 56040 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56040. Developmentally Delayed Learner.

The developmentally delayed learner is a student who exhibits the following:

(a) Below average intellectual functioning; and

(b) Potential for measurable achievement in instructional and employment settings.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

34. Section 56042 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56042. Psychological Disability.

(a) Psychological disability means a persistent psychological or psychiatric disorder, or emotional or mental illness.

(b) For purposes of this subchapter, the following conditions are not psychological disabilities:

(1) transvestitism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(2) compulsive gambling, kleptomania, or pyromania; and

(3) psychoactive substance abuse disorders resulting from current illegal use of drugs.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

35. Section 56044 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56044. Other Disabilities.

This category includes all students with disabilities, as defined in Section 56002, who do not fall into any of the categories described in Sections 56032-42 but who indicate a need for support services or instruction provided pursuant to Sections 56026 and 56028.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

36. Section 56046 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is amended to read:

56046. DSPS Program Plan.

(a) Each district receiving funding pursuant to this subchapter shall submit to the Chancellor, at such times as the Chancellor shall designate, a DSPS program plan for each college within the district. Upon approval by the Chancellor, the plan shall be a contract between the district and the Chancellor. Expenditures of funds appropriated pursuant to this subchapter must conform to the approved plan.

(b) Each district shall submit updates to its program plan to the Chancellor upon request.

(c) The program plan shall be in the form prescribed by the Chancellor and shall contain at least all of the following:

(1) the long-term goals of the DSPS program;

(2) the short-term measurable objectives of the program;

(3) the activities to be undertaken to accomplish the goals and objectives; and

(4) a description of the methods used for program evaluation;.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

37. Section 56048 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is repealed.

38. Section 56050 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is repealed.

39. Section 56048 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56048. Staffing.

(a) Persons employed pursuant to this subchapter as counselors or instructors of students with disabilities shall meet minimum qualifications set forth in Section 53414 of Subchapter 4 of Chapter 4 of this division.

(b) Each district receiving funds pursuant to this subchapter shall designate a DSPS Coordinator for each college in the district. For the purpose of this section, the Coordinator is defined as that individual who has responsibility for the day-to-day operation of DSPS. The designated Coordinator must meet the minimum qualifications for a DSPS counselor or instructor set forth in Section 53414(a) through (d) or meet the minimum qualifications for an educational administrator set forth in Section 53420 and, in addition, have two (2) years full-time experience or the equivalent within the last four (4) years in one or more of the following fields:

(1) instruction or counseling or both in a higher education program for students with disabilities;

(2) administration of a program for students with disabilities in an institution of higher education;

(3) teaching, counseling, or administration in secondary education, working predominantly or exclusively in programs for students with disabilities; or

(4) administrative or supervisory experience in industry, government, public agencies, the military, or private social welfare organizations, in which the responsibilities of the position were predominantly or exclusively related to persons with disabilities.

(c) Districts receiving funding pursuant to this subchapter may also employ classified and/or paraprofessional support staff. Support staff shall function under the direction of a DSPS counselor, instructor, or Coordinator as appropriate for the support services or instruction being provided.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code Reference: Sections 67310-12 and 84850, Education Code.

40. Section 56050 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the California Code of regulations is added to read:

56050. Advisory Committee.

Each district receiving funds pursuant to this subchapter shall establish, at each college in the district, an advisory committee which shall meet not less than once per year.

The advisory committee shall, at a minimum, include students with disabilities and representatives of the disability community and agencies or organizations serving persons with disabilities.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

41. Section 56052 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is amended to read:

56052. Evaluation.

The Chancellor shall conduct evaluations of DSPS programs to determine their effectiveness. Each college shall be evaluated at least once every five years. The evaluation shall, at a minimum, provide for the gathering of outcome data pertaining to: staff and student perceptions of program effectiveness, access requirements of the Americans with Disabilities Act (42 USC 12101 et seq.), compliance with Section 504 of the Federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), compliance with Education Code Section 67311.5 with respect to parking for persons with disabilities, and data on the implementation of the program as outlined in Education Code Section 84850.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code Reference: Sections 67310-12 and 84850, Education Code; and 29 U.S.C. Sec. 794.

42. Section 56054 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is repealed.

43. Section 56054 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

56054. Special Projects.

(a) Community college districts receiving funding pursuant to this subchapter shall cooperate to the maximum extent possible with the Chancellor in carrying out special projects. Such projects may include, but are not limited to, task force meetings, research studies, model programs, conferences, training seminars, and other activities designed to foster program development and accountability. Such special projects shall be funded from the three percent set-aside authorized pursuant to Education Code Section 84850 (e).

(b) Where such special projects fund services to students, such students need not meet the eligibility criteria otherwise required under this subchapter, but such students shall meet any eligibility requirements which the Chancellor may prescribe.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

44. Article 4 (commencing with Section 56056) of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is repealed.

45. Article 5 (commencing with Section 56068) of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is repealed.

46. Article 4 (commencing with Section 56060) of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the *California Code of Regulations* is added to read:

Article 4. Funding and Accountability

56060. Basis of Funding.

Any community college district shall be entitled to receive funding pursuant to Education Code Section 84850 to offset the direct excess cost, as defined in Section 56064, of providing support services or instruction, or both, to students with disabilities enrolled in state-supported educational courses or programs.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

56062. Provision of Support Services or Instruction.

A community college district will be deemed to have "provided support services or instruction" to a student with a disability, as required by Section 56060, if the student is enrolled in a special class or is enrolled in a regular class and received four or more service contacts per year with the DSPS program.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

56064. Direct Excess Costs.

Direct excess costs are those actual fixed, variable, and one-time costs (not including indirect administrative costs, as defined in Section 56068) for providing support services or instruction, as defined in Sections 56026 and 56028, which exceed the combined total of the following:

(a) the average cost to the district of providing comparable services (as defined in Section 56066) to nondisabled students times the number of students receiving such services from DSPS;

(b) the revenue derived from special classes as provided in Section 56070; and

(c) any other funds for serving students with disabilities which the district receives from federal, state, or local sources other than discretionary district funds.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

56066. Comparable Services.

(a) As used in Section 56064, "comparable services" are those services which are comparable to services available from a college to its nondisabled students. These services include, but are not limited to:

(1) job placement and development as described in Section 56026 (a)(2);
(2) registration assistance as described in Section 56026(a)(4);
(3) special parking as described in Section 56026(a)(5);
(4) assessment as described in Section 56026(b)(2);
(5) counseling as described in Section 56026(b)(3);
(6) tutoring as described in Section 56026(b)(11); and
(7) outreach as described in Section 56026(b)(12).

(b) Districts which claim reimbursement for direct excess costs for comparable services as defined in subdivision (a) must, for each college in the district:

(1) certify that the service in question is not offered to nondisabled students; or

(2) collect and report to the Chancellor, on forms prescribed by the Chancellor, data showing the number of new and the number of continuing students with disabilities enrolled in credit courses who received one or more such services, in whole or in part, from DSPS.

(c) The Chancellor shall adjust the allocation of each district by the number, if any, of students reported pursuant to subdivision (b) (2), times the applicable credit student services funding rates for new and continuing students calculated pursuant to Article 4 (commencing with Section 58730) of Subchapter 4 of Chapter 9 of this division.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

56068. Indirect Administrative Costs.

As used in Section 56064, the term "indirect administrative costs" means any administrative overhead or operational cost, including but not limited to, the following:

(a) college administrative support costs, such as staff of the college business office, bookstore, reproduction center, etc.;

(b) administrative salaries and benefits, with the exception of the DSPS Coordinator;

(c) indirect costs, such as heat, light, power, telephone, FAX, gasoline, and janitorial;

(d) costs of construction, except for removal or modification of minor architectural barriers;

(e) staff travel costs for other than DSPS-related activities or functions;

(f) costs for on- and off-campus space and plant maintenance;

(g) the cost of office furniture (e.g., desks, bookcases, filing cabinets, etc.);

(h) costs of dues or memberships for DSPS staff;

(i) rent of off-campus space;

(j) costs for legal matters, election campaigns, or audit expenses;

(k) building costs, even if the new building were for exclusive use of DSPS;

(l) books or other resource material purchases for the general or main library; or

(m) equipment which is not, in whole or part, adapted for use by students with disabilities.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

56070. Revenue from Special Classes.

(a) For purposes of Section 56064 (b), the revenue derived from special classes, for fiscal year 1995-96 and all subsequent years, shall be calculated by adding together the following:

(1) the FTES instructional non-credit rate times the number of units of FTES in noncredit special classes; and

(2) the FTES instructional credit rate, not including indirect administrative costs, times the number of units of FTES in credit special classes for each college in the district.

(b) In implementing this section, the Chancellor shall insure that increases or decreases in the amount of special class revenue attributed to a district solely as a result of the adoption of the "disaggregate" method of calculation described in subdivision (a) shall be spread evenly over a three (3) year phase-in period ending with full implementation for fiscal year 1995-96.

(c) Revenue from special classes shall be used for the provision of support services or instruction pursuant to Section 56026 and 56028 and shall not be used for indirect administrative costs as defined in Section 56068.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

56072. Allocations; Reports; Audits; Adjustments.

(a) The Chancellor shall adopt an allocation formula which is consistent with the requirements of this subchapter. The Chancellor shall use this formula to make advance allocations of funding provided pursuant to Section

56060 to each community college district consistent with the district's approved DSPS program plan and the requirements of this article.

(b) A portion, not to exceed 10 percent, of the allocation may be based on the amount of federal, state, local, or district discretionary funds which the district has devoted to serving students with disabilities. Provided, however, that in no event shall any district be entitled to receive funding which exceeds the direct excess cost, as defined in Section 56064, of providing support services or instruction to students with disabilities.

(c) Each district shall submit such enrollment and budget reports as the Chancellor may require.

(d) The Chancellor shall provide for audits of DSPS programs to determine the accuracy of the reports required pursuant to subdivision (c).

(e) The Chancellor may, based on audit findings or enrollment/budget reports, adjust the allocation of any district to compensate for over- or under-allocated amounts in the current fiscal year or any of the three immediately preceding fiscal years.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

56074. Accounting for Funds.

Each community college district shall establish a unique budget identifier code to separately account for all funds provided pursuant to this subchapter. The district shall certify through fiscal and accounting reports prescribed by the Chancellor that all funds were expended in accordance with the requirements of this subchapter.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

56076. Other Resources.

As a condition of receiving funds pursuant to this subchapter, each community college district shall certify that reasonable efforts have been made to utilize all funds from federal, state, or local sources which are available for serving students with disabilities.

NOTE: Authority cited: Sections 67312, 70901, and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.